

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re Flint Water Cases.

Judith E. Levy
United States District Judge

_____/

This Order Relates To:

ALL CASES

_____/

**ORDER REGARDING CLASS PLAINTIFFS' MOTION TO
APPOINT INTERIM SUBCLASS SETTLEMENT COUNSEL [922]
AND CLARIFYING BRIEFING SCHEDULE**

This is an order regarding class plaintiffs' renewed motion to appoint interim subclass settlement counsel and clarifying the Court's order regarding the filing of answers to the individual short-form complaints.

I. Class Plaintiffs' Motion

Class plaintiffs' renewed motion to appoint interim subclass settlement counsel is before the Court. As a preliminary matter, all parties are permitted, but not required, to file a response to the motion to appoint interim subclass settlement counsel by **Friday August 23, 2019**. Moreover, the Court will take the motion to appoint interim

subclass settlement counsel under advisement but will deny the motion as it relates to the appointment of an additional “neutral settlement facilitator.” (ECF No. 922, PageID.24203.)

Class plaintiffs initially filed this motion on July 29, 2019. (ECF No. 909.) The Court denied the motion (ECF No. 912) but subsequently permitted class plaintiffs’ to “refile a revised motion as soon as practically possible” following the August 7th status conference (ECF No. 918). The renewed motion was filed on August 15, 2019, proposing new individuals to serve as interim subclass settlement counsel and added a request that the Court appoint an additional facilitator to support apportionment among any potential settlement subclasses.

When the Court granted permission to file the renewed motion to appoint interim subclass settlement counsel, it did not permit the filing of an additional motion for appointment of a neutral facilitator. Instead, it outlined a timeline by which class plaintiffs were permitted to file a renewed motion to appoint interim subclass settlement class counsel. In the interest of managing a complicated case and docket, plaintiffs’ motion with respect to the appointment of an additional neutral facilitator will not be heard at this time.

Moreover, the Court appointed two individuals to serve as neutral facilitative mediators pursuant to Local Rule 16.4 (ECF No. 324), and it separately appointed a neutral Special Master in this case who is assisting in the settlement process. (ECF No. 524). For these reasons, the Court sees no need to appoint an additional neutral at this juncture. Accordingly, the motion, as it relates to appointment of Judge Layn R. Phillips (ret.) is DENIED.

II. Answers in the Individual Cases

In the Court's order regarding the August 7, 2019 status conference, the Court ordered all defendants to file answers in *Walters v. Flint*, 17-cv-10164, and *Sirls v. Michigan*, 17-cv-10342, by **September 3, 2019**, and in the remaining individual complaints by **October 3, 2019**. (ECF No. 918, PageID.24165–66.) Because the Court has not yet ruled on certain claims against the McLaren Healthcare Corporation and Hurley Medical Center, the Court outlined a separate briefing and filing schedule for *Marble v. Snyder*, 17-cv-12942, and *Brown v. Snyder*, 18-cv-10726. Accordingly, defendants need not answer individual short-form complaints in which either McLaren or Hurley are listed as a named defendant. Answers in these cases will not be required until the motions

to dismiss in *Marble* and *Brown* have been adjudicated. This includes *Rogers v. Snyder*, 18-cv-10713, which lists Hurley Medical Center as a defendant.

IT IS SO ORDERED.

Dated: August 19, 2019
Ann Arbor, Michigan

s/Judith E. Levy
JUDITH E. LEVY
United States District Judge